

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TARNELL LEON JONES,

Plaintiff,

-against-

NYC-STATE & DOC, et al.,

Defendants.

22-CV-4675 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. On September 26, 2022, the Court dismissed the action as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i), and issued judgment. Both the order of dismissal and judgment were entered the next day. On October 12, 2022, the Court received from Plaintiff a notice of appeal and a motion for an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure.<sup>1</sup> (ECF10, 11.)

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal. A litigant has thirty days from entry of the order or judgment he wishes to challenge to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). Because Plaintiff timely filed his notice of appeal within thirty days after entry of the September 26, 2022, judgment, the Court denies the motion for an extension of time to file a notice of appeal as unnecessary.

**CONCLUSION**

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal (ECF 10) as unnecessary because Plaintiff's notice of appeal (ECF 11) is timely.

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<sup>1</sup> On October 13, 2022, the Court transmitted the notice of appeal to the United States Court of Appeals for the Second Circuit.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: October 14, 2022  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge